

d/f

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY KING,

Plaintiff,

ORDER

-against-

12-CV-2344 (NGG) (RER)

THE CITY OF NEW YORK, "JOHN DOE" AND
"JANE DOE," 1 through 6,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

On May 11, 2012, Plaintiff Anthony King brought suit under 42 U.S.C. § 1983 against Defendants City of New York ("City") and several unknown officers of the New York City Police Department, alleging violation of his Fourth, Fifth, and Fourteenth Amendment rights and several state law claims arising from his arrest and detention in May of 2010. (See Compl. (Dkt. 1).) Defendants filed a motion pursuant to Federal Rule of Civil Procedure 12(c) for judgment on the pleadings. (Def. Mot. (Dkt. 15).) Plaintiff opposed the motion. (See Pl. Aff. in Opp'n (Dkt. 18).) The court referred the motion to Magistrate Judge Ramon E. Reyes for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b). (See Nov. 9, 2012, Order.)

On April 15, 2013, Judge Reyes issued an R&R recommending that: (1) Plaintiff's false arrest, false imprisonment, municipal liability, intentional infliction of emotional distress and negligent hiring, training, and retention claims be dismissed with prejudice; and (2) Plaintiff's claims for malicious prosecution and excessive pretrial detention be dismissed without prejudice, and that Plaintiff be granted leave to replead these claims against the individual defendant

officers. (See R&R (Dkt. 22).) No objections to Judge Reyes's R&R were filed and the time to do so has passed.

In reviewing a magistrate judge's R&R, the district court "may adopt those portions of the Report to which no objections have been made and which are not facially erroneous." La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); see also Porter v. Potter, 219 F. App'x 112, 113 (2d Cir. 2007) (failure to object waives further judicial review). The court reviews de novo "those portions of the report . . . to which objection is made." 28 U.S.C. § 636(b)(1).

Because no objections have been filed, the court concludes that the R&R is not facially erroneous and thus adopts the R&R in its entirety. Plaintiff may file an Amended Complaint in accordance with Judge Reyes's R&R, but must do so within thirty (30) days of the filing of this Order.

SO ORDERED.

Dated: Brooklyn, New York
May 16, 2013

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge